

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 05-10155-BC
Honorable David M. Lawson

CECIL A. RICHARD,

Defendant.

ORDER GRANTING PLAINTIFF'S MOTION TO DISMISS

The United States filed this action on June 15, 2006 to collect a delinquent student loan. The defendant answered the complaint on August 23, 2005. On January 4, 2006, the United States filed a motion to dismiss the case without prejudice. Federal Rule of Civil Procedure 41(a) provides that after an answer is filed, a plaintiff may not voluntarily dismiss a complaint "save upon order of the court and upon such terms and conditions as the court deems proper." F. R. Civ. P. Rule 41(a)(2). The defendant has not responded to the plaintiff's motion within the time permitted. The Court finds that the plaintiff's request is reasonable and each party shall bear their expenses of litigation.

Accordingly, it is **ORDERED** that this matter is **DISMISSED** without prejudice and without costs to either party.

Dated: February 6, 2006

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 6, 2006.

s/Tracy A. Jacobs
TRACY A. JACOBS